

(k) *Office* means the section of Rail Services Planning established by Section 205 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 715) as amended.

(l) *Rail Act* means the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210 (90 Stat. 31).

(m) *URCS* means the Uniform Railroad Costing System.

(n) *Significant user* means (1) each of the 10 rail patrons which originated and/or received the largest number of carloads (or each patron if there are less than 10), and (2) any other rail patron which originated and/or received 50 or more carloads, on the line proposed for abandonment or discontinuance, during the 12-month period preceding the month in which notice is given of the abandonment or discontinuance application.

(o) *Subsidy year* means any twelve-month period for which a subsidy agreement has been negotiated and is in operation.

(p) *GMA* means the General Managers Association of Chicago.

[41 FR 48520, Nov. 4, 1976, as amended at 43 FR 7624, Feb. 24, 1978; 45 FR 18008, Mar. 20, 1980. Redesignated and amended at 47 FR 49581, Nov. 1982; 48 FR 44828, Sept. 30, 1983; 48 FR 54236, Dec. 1, 1983; 53 FR 49667, Dec. 9, 1988; 56 FR 61387, Dec. 3, 1991]

## Subpart B—System Diagram

### § 1152.10 System diagram map.

(a) Each carrier shall prepare a diagram of its rail system on a map, designating all lines in its system by the categories established in paragraph (b) of this section.

(b) All lines in each carrier's rail system shall be separated into the following categories:

(1) All lines or portions of lines which the carrier anticipates will be the subject of an abandonment or discontinuance application to be filed within the 3-year period following the date upon which the diagram, or any amended diagram, is filed with the Commission;

(2) All lines or portions of lines potentially subject to abandonment are those which the carrier has under study and believes may be the subject of a future abandonment application because of either anticipated operating

losses or excessive rehabilitation costs, as compared to potential revenues.

(3) All lines or portions of lines for which an abandonment or discontinuance application is pending before the Commission on the date upon which the diagram, or any amended diagram, is filed with the Commission;

(4) All lines or portions of lines which are being operated under the rail service continuation provisions of 49 U.S.C. 10905 or of section 304(c)(2) of the Regional Rail Reorganization Act of 1973, as amended, on the date upon which the diagram, or any amended diagram, is filed with the Commission; and

(5) All other lines or portions of lines which the carrier owns and operates, directly or indirectly.

(c) The system diagram map shall be color-coded to show the 5 categories of lines as follows:

(1) Red shall designate those lines described in § 1152.10(b)(1);

(2) Green shall designate those lines described in § 1152.10(b)(2);

(3) Yellow shall designate those lines described in § 1152.10(b)(3);

(4) Brown shall designate those lines described in § 1152.10(b)(4); and

(5) Black or dark blue shall designate those lines described in § 1152.10(b)(5).

(d) The system diagram map shall also identify, and shall be drawn to a scale sufficient to depict clearly, the location of:

(1) All State boundary lines;

(2) Boundaries of every county in which is situated a rail line owned or operated by the carrier which is listed in categories 1 thru 4 (§ 1152.10(b) (1) thru (4)).

(3) Every Standard Metropolitan Statistical Area (SMSA) any portion of which is located within 5 air miles of a rail line owned or operated by the carrier; and

(4) Every city outside an SMSA which has a population of 5,000 or more persons (according to the latest published United States census reports) and of which any portion is located within 5 air miles of a rail line owned or operated by the carrier. A series of interrelated maps may be utilized where the system serves a very large or

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congested area. An explanation of the interrelationship must be furnished.

[41 FR 48520, Nov. 4, 1976, as amended at 42 FR 25327, May 17, 1977; 43 FR 30557, July 17, 1978. Redesignated and amended at 47 FR 49581, Nov. 1, 1982; 48 FR 54236, Dec. 1, 1983]

#### **§ 1152.11 Description of lines to accompany the system diagram map.**

Each carrier shall list and describe, separately by category and within each category by State, all lines or portions of lines identified on its system diagram map as falling within categories 1 thru 3 (§ 1152.10(b) (1) thru (3)) as follows:

(a) Carrier's designation for each line (for example, the Zanesville Secondary Track);

(b) State or States in which each line is located;

(c) County or counties in which each line is located;

(d) Mileposts delineating each line or portion of line; and

(e) Agency or terminal stations located on each line or portion of line with milepost designations.

#### **§ 1152.12 Filing and publication.**

(a) Each carrier shall file with the Commission six copies of its color-coded system diagram map (identified by its "AB number" as set forth in the appendix to this part) and the accompanying line descriptions. If a revised map is filed, the line descriptions for the lines which were revised must be filed.

(b) The color-coded system diagram map, any amendments of the map, and accompanying line descriptions shall be served upon the Governor, the public service commission (or equivalent agency) and the designated State agency of each State within which the carrier operates or owns a line of railroad.

(c) *The carrier shall*—(1) Publish in a newspaper of general circulation in each county containing category 1 through 3 lines or lines being revised, a notice containing: (i) A black-and-white copy of the system diagram map (or a portion of map clearly depicting its lines in that county); and (ii) a description of each line;

(2) Post a copy of the newspaper notice: (i) In each agency station or terminal on each line in categories 1

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through 3 and on each line which has been revised; or (ii) if there is no agency station on the line, at any station through which business for the line is received or forwarded;

(3) Furnish, at reasonable cost, upon request of any interested person, a copy of its system diagram map (either color-coded or black-and-white); and

(4) Notify interested persons of this availability through its publication in the appropriate county newspaper.

(d) Each carrier shall file with the Commission an affidavit of service and publication stating the date each was accomplished. A copy of each newspaper notice published shall be attached to the affidavit. The effective date of the filing of the initial system diagram map and each amended system diagram map as required in paragraph (a) of this section shall be deemed to be the date upon which the Commission receives the affidavit required in this paragraph.

(e) The Commission shall require republication of the notice if it is found to be inadequate.

[43 FR 30557, July 17, 1978, as amended at 43 FR 45588, Oct. 3, 1978. Redesignated at 47 FR 49581, Nov. 1, 1982, and amended at 48 FR 54236, Dec. 1, 1983]

#### **§ 1152.13 Amendment of the system diagram map.**

(a) Each carrier shall be responsible for maintaining the continuing accuracy of its system diagram map and the accompanying line descriptions. Amendments may be filed at any time and will be subject to all carrier filing and publication requirements of § 1152.12.

(b) Every system diagram listing a line in category 2 (§ 1152.10(b)(2)) shall be revised annually. Each annual revision shall clearly reflect the carrier's decision whether to transfer each such line to category 1 or 5 (§ 1152.10(b)(1) or (5)) or to retain the line in category 2 for further study.

(c) By June 30 of each year, each carrier shall file with the Commission:

(1) A revised and updated color-coded system diagram map and line descriptions which shall be subject to the filing and publication requirements of § 1152.12.